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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/028,950	12/18/2001	Harri Korpela	796.418USW1	5366
32294	7590	06/13/2005	EXAMINER	
SQUIRE, SANDERS & DEMPSEY L.L.P.			YANG, LINA	
14TH FLOOR				
8000 TOWERS CRESCENT			ART UNIT	PAPER NUMBER
TYSONS CORNER, VA 22182			2665	

DATE MAILED: 06/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/028,950

Applicant(s)

KORPELA ET AL.

Examiner

Lina Yang

Art Unit

2665

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 31 May 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 12/18/01, 3/10/05
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Specification***

1. The abstract of the disclosure is objected to because of the following informalities. Corrections are required. See MPEP § 608.01(b).

1. The title "Abstract" should be in the middle of the line;
2. "(57)" before "Abstract" and "(Fig. 3)" at the end of the abstract should be deleted.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Acampora et al. (U. S. Patent No. 5,530,575).

Regarding claim 1, Acampora discloses an arrangement for forming a communications network, characterized in that the arrangement comprises modules ("layers" in fig. 10); each module (layer) handling forming of a certain physical or logical part of the network concerning a specific technology (fig. 10; descriptions of the layers:

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col. 9 lines 47-56 for layer 1000; col. 9 lines 57-67 for layer 1010; col. 10 lines 1-10 for layer 1020; col. 10 lines 30-55 for layer 1030), a set of the modules ("layers" in fig. 10), selected to form the network together (fig. 10), the set of the modules arranged to be one on top of another (fig. 10), each module (layer) in the set interacting with the module above by offering resources ("service") to it , and with the module below by using resources from it (col. 9 lines 44-47).

Regarding claim 2, Acampora further discloses an arrangement characterized in that the set of the modules ("layers") in use are selectable ("scalable") depending on the network structure (col. 9 lines 28-43) .

Regarding claim 3, Acampora further discloses an arrangement characterized in that a module ("layer") is capable to form several physical or logical parts (for example; the lowest layer 100 is the physical deployment of the medium, it has several physical parts such as fibers, routes, routers the AOTF switches et al.; col. 9 lines 47-56).

Regarding claim 4, Acampora further discloses an arrangement characterized in that routing is performed in a single module ("layer") in the set at a time, and the interactions between modules (layers) in the set transfer the routing performed for the use of other modules ("layers"), in a way that the routes in the modules above the bottom module are found in the bottom module ("lowest layer") (the lowest layer 1010 provides the physical routes; col. 9 lines 47-56).

Regarding claim 5, Acampora discloses a method for forming a communications network, characterized in that method comprises the steps of: modeling the network into several functional levels ("layers") on top of one another (fig. 10), each level representing a certain physical or logical part of the network concerning a specific technology (fig. 10; descriptions of the layers: col. 9 lines 47-56 for layer 1000; col. 9 lines 57-67 for layer 1010; col. 10 lines 1-10 for layer 1020; col. 10 lines 30-55 for layer 1030), forming each functional level in specific modules ("layers" in fig. 10; descriptions of the layers: col. 9 lines 47-56 for layer 1000; col. 9 lines 57-67 for layer 1010; col. 10 lines 1-10 for layer 1020; col. 10 lines 30-55 for layer 1030), the specific module corresponding to the specific level, the specific module interacting with the module ("layer") corresponding to the layer above by offering resources to it, and with the module ("layer") corresponding to the layer below by using resources from it (col. 9 lines 44-47).

Regarding claim 6, Acampora further discloses a method characterized in that routing is performed in a single module ("layer") at a time, and the interactions between modules ("layers") transfer the routing performed for the use of other modules (the lowest layer 1010 provides the physical routes; col. 9 lines 47-56).

**Conclusion**

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


Burnett et al. (U. S. Patent No. 5,633,869) teaches a virtual network using asynchronous transfer mode with multi-layered communication architecture.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lina Yang whose telephone number is (571)272-3151. The examiner can normally be reached on 7:30am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on (571)272-3155. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LY

  
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SUPERVISORY PATENT EXAMINER  
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